

JAMES F. ...  
CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

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U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
WEST DIV. CINCINNATI

TOYOTA JIDOSHA KABUSHIKI KAISHA )  
also doing business as TOYOTA MOTOR )  
CORPORATION (a Japanese Corporation) )

and )

TOYOTA MOTOR SALES, U.S.A., INC. )  
(a California corporation) )

Plaintiffs )

vs. )

Civil Action No. 1:07-CV0578

STANLEY PARTNERS, LLC )  
doing business as ALEXUS DEVELOPMENT )  
LLC (an Ohio Limited Liability Company) )

Judge Beckwith

and )

ALEXUS PROPERTIES, LLC )  
(an Ohio Limited Liability Company) )

Defendants )

FINAL JUDGMENT

There being no genuine issues of fact or law in dispute between the parties; all matters in this civil action having been settled; and this action being in condition for entry of Final Judgment, it is

ORDERED, ADJUDGED AND DECREED that:

(1) This Court has jurisdiction of the subject matter and the parties under § 39 of the Federal Trademark Act, 15 U.S.C. § 1121, and the Judicial Code, 28 U.S.C. §§ 1331, 1332, 1338 and 1367.

(2) Plaintiff Toyota Jidosha Kabushiki Kaisha, also doing business as Toyota Motor Corporation ("Plaintiff TMC"), is the owner of the trade name LEXUS and the marks LEXUS and LEXUS & Design, alone and in combination with other wording, for automobiles and structural parts and accessories therefor, and related automobile repair and maintenance services, and is the owner of U.S. Trademark Registration Nos. 1,574,718, 1,675,339, 1,739,201, 1,814,753, 1,834,147, 1,871,549, 2,851,110, 2,852,290, 2,899,728, 2,925,515 and 3,168,149 of said marks, among others.

(3) Plaintiff TMC and its subsidiary Plaintiff Toyota Motor Sales, U.S.A., Inc. ("Plaintiff TMS") have the exclusive right to use the trade name LEXUS and the marks LEXUS and LEXUS & Design, alone and in combination with other wording, in the State of Ohio and in interstate commerce.

(4) The marks LEXUS and LEXUS & Design, alone and in combination with other wording, and Registration Nos. 1,574,718, 1,675,339, 1,739,201, 1,814,753, 1,834,147, 1,871,549, 2,851,110, 2,852,290, 2,899,728, 2,925,515 and 3,168,149 are each valid, subsisting and enforceable as against Defendants.

(5) The mark LEXUS had become famous and entitled to a broad ambit of protection against dilution and infringement prior to Defendants' actions complained of in this civil action.

(6) Defendants' use of trade names and service marks ALEXUS DEVELOPMENT and ALEXUS PROPERTIES and the domain name <www.alexusdevelopment.com> in the identification, advertising, promotion and rendering of residential real estate development services is likely to dilute the distinctive qualities of the famous mark LEXUS and is likely to cause confusion as to the source

and/or sponsorship of Defendants and their businesses.

(7) Effective December 31, 2007, Defendants and each of their respective agents, employees, servants, successors and assigns, and all others in privity or acting in concert therewith, are hereby permanently enjoined from:

- (a) Using the trade names and service marks ALEXUS DEVELOPMENT and ALEXUS PROPERTIES, the domain name <www.alexusdevelopment.com>, and/or any other trade name, trademark, service mark, corporate name, domain name, or other commercial identification that consists of or includes ALEXUS or any other word that is confusingly similar to the mark LEXUS, alone and/or in combination with other words, letters and/or symbols; and
- (b) Otherwise diluting the distinctiveness of or infringing the federally registered marks LEXUS and LEXUS & Design.

(8) On or before December 31, 2007, Defendants are directed to:

- (a) Destroy all existing signage, promotional or other printed materials in their possession, custody or control which bear or otherwise display the trade names and service marks ALEXUS DEVELOPMENT and ALEXUS PROPERTIES, the domain name <www.alexusdevelopment.com>, and any other name or mark that includes ALEXUS and/or the word LEXUS;
- (b) Transfer the domain name <www.alexusdevelopment.com> to Plaintiff Toyota Motor Sales, U.S.A., Inc.;

- (c) Amend any corporate name and/or limited liability company name that includes the word ALEXUS to delete said word, and concurrently therewith forward true and correct copies of the papers effecting such amendments to counsel for Plaintiffs; and
- (d) Forward written requests to the publishers of all telephone, online and other directories in which the trade name ALEXUS DEVELOPMENT, the trade name ALEXUS PROPERTIES and/or the domain name <www.alexusdevelopment.com> is listed, requesting the deletion of said listing(s) and concurrently therewith forward true and correct copies of such written requests to counsel for Plaintiffs.

(9) All claims pleaded by Plaintiffs against Defendants other than the claim for prohibitory and mandatory injunctive relief granted by ¶¶ (7) and (8) of this Final Judgment and all counterclaims which Defendants, as a matter of right, could have pleaded against Plaintiffs, or either of them, are hereby dismissed with prejudice with each party to bear its own costs and attorneys' fees.

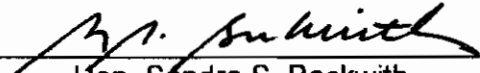
(10) This Final Judgment shall be binding upon Plaintiffs and Defendants and each of their respective officers, agents, servants, employees, attorneys, and successors and assigns, and upon those persons in active concert or participation with them who receive actual notice thereof by personal service or otherwise.

(11) The Court shall retain jurisdiction of this civil action and the parties to resolve any issues arising of any claim of violation of or noncompliance with this Final Judgment and/or the Agreement between the parties in settlement of this civil action. In

the event that any restraining order or preliminary injunction is granted in Plaintiffs' favor in connection with any violation of or noncompliance with this Final Injunction, Plaintiffs shall not be required to post any security bond.

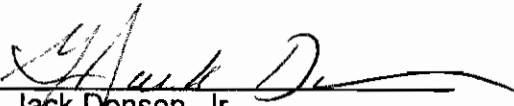
(12) In accordance with § 34 of the Federal Trademark Act, 15 U.S.C. § 1116, the Clerk of the Court shall notify the Commissioner of Patents and Trademarks of the entry of this Final Judgment who shall enter it upon the records of the Patent and Trademark Office.

DONE AND ORDERED, at Cincinnati, Ohio, this 6<sup>th</sup> day of November, 2007.

  
\_\_\_\_\_  
Hon. Sandra S. Beckwith  
United States District Judge

Plaintiffs, through their undersigned counsel, and Defendants hereby consent to the entry of the foregoing Final Judgment and waive any and all rights of appeal.

TOYOTA JIDOSHA KABUSHIKI  
KAISHA, also doing business as  
TOYOTA MOTOR CORPORATION, and  
TOYOTA MOTOR SALES, U.S.A., INC.

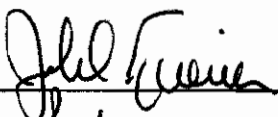
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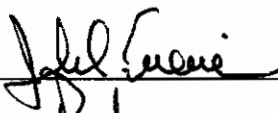
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business as ALEXUS DEVELOPMENT  
LLC

By:   
Title: Partner

ALEXUS PROPERTIES, LLC

By:   
Title: Partner